

Message Text

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ACTION EB-07

INFO OCT-01 EA-06 IO-10 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

OIC-02 AF-06 ARA-06 EUR-12 NEA-10 /133 W

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R 180816Z JUL 75

FM AMEMBASSY TOKYO

TO SECSTATE WASDC 1732

INFO USMISSION GENEVA

USMISSION MTN GENEVA

USMISSION USUN NEW YORK

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E.O. 11652 N/A

TAGS: ETRD, GATT, OECD, UN, JA

SUBJECT: NEGOTIATIONS DRAFTING WITH THE JAPANESE--WATCH OUT FOR
QUESTION MARKS

REF: A. GENEVA 4475 B. GENEVA 5387 C. TOKYO 9235

SUMMARY: LINGUISTIC FORM RATHER THAN SUBSTANCE OF TRADE
POLICY APPEARED TO BE LARGELY RESPONSIBLE FOR TEMPORARY U.S.
JAPAN DIFFERENCES ON NOTE TO GATT COUNCIL ACCOMPLISHING
BALANCE OF PAYMENTS COMMITTEE REPORT. EXPERIENCE IN THIS
CASE MAY BE USEFUL TO USG AND DELS IN SEVERAL FORA WHEN
COOPERATION/COORDINATION WITH JAPAN IS IMPORTANT TO AD-
VANCEMENT OF U.S. INTERESTS. END SUMMARY.

1. REF. B NOTES QTE SOFTENING OF JAPANESE STANCE UNQTE
RE TRANSMITTAL OF COVER NOTE LISTING SHORTCOMINGS REVEALED
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BY GATT BALANCE OF PAYMENTS COMMITTEE REPORT TO COUNCIL

HOWEVER, FONOFF (HARASHI DEPUTY DIRECTOR OF FIRST ECONOMIC AFFAIRS BUREAU) INTERNATIONAL ORGANIZATIONS DIVISION DID NOT SEE GOJ POSITION AS HAVING CHANGED.

2. WHILE TEXTS OF SECRETARIAT DRAFT (REF. A) TO WHICH JAPAN OBJECTED AND FINAL TEXT (REF B) WHICH JAPAN APPROVED WERE VERY CLOSE --INDEED VIRTUALLY IDENTICAL IN SEVERAL RESPECTS--HAYASHI TOLD EMBOFF THAT MUCH OF COJ CONCERN HAD BEEN ALLAYED BY TECHNICAL CHANGE; I.E. REMOVAL OF QUESTION MARKS. RESPONDINF TO QUESTION, HE SAID ORIGINAL FORMULATION (WITH QUESTION MARKS) STRUCK SEVERAL GOJ OFFICISL AS UNDULY AGGRESSIVE.

3. STRANGE OAS THIS MAY SEEM TO WESTERNERS, IT IS A FACT THAT IN JAPANESE LANGUAGE, A LEADING QUESTION (TO BE ANSWERED YES OR NO) VIRTUALLY DEMANDS QTE YES UNQTE ANWER. (CURRENTLY POPULAR IN TOKYO IS A BOOK ON DOING BUSINESS IN JAPAN TITLED QTE NEVER TAKE YES FOR AN ANSWER UNQTE WHICH REFERS TO THIRTY WAYS TO AVOID SAYING NO IN JAPANESE.)

4. IN JAPANESE EYES, THEREFORE, A QUESTION BY GATT BOP COMMITTEED SUCH AS QTE DOES THIS ESTABLISHED PRACTICE REQUIRE EXAMINATION OF THE GATT LEGAL FRAMEWORK? UNQTE WOULD SERIOUSLY PREJUDICE ISSUE OF AMENDING GATT ARTICLES, QPOSCH JAPAN HOLDS SHOULD ONLY BE NEGOTIATED IN MULTILATERAL TRADE NEGOTIATIONS.

5. AS THIS CASE ILLUSTRATES, SUBTLE LINGUISTIC/ CULTURAL FACTORS MAY CAUSE JAPANESE TO SHY AWAY FROM SOME FORMULATIONS WHEN NO SUBSTANTIVE REASONS APPEAR FOR DOING SO. IN VIEW OF IMPORTANCE THT U.S JAPAN VIEWS BE COORDINATED AS CLOSELY AS POSSIBLE ON MANY ISSUES AND IN MANY FORA, U.S. DELS MAY FIND THAT IT PAYS OFF TO PRESS THEIR JAPANESE COLLOEAGUES IN CASES OF APPARENT DISAGREEMENT TO COME FORWARD WITH WORDNG OF THEIR OWN (SOMETHING THEY ARE OFTEN LIMITED OFFICIAL USE

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RELUCTANT TO DO) WHICH MEET THEIR OBJECTIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMMITTEE MEETINGS, BALANCE OF PAYMENTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975TOKYO09720
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750248-1290
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750740/aaaabjzw.tel
Line Count: 109
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 GENEVA 4475, 75 GENEVA 5387, 75 TOKYO 9235
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 24 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 JUN 2003 by ElyME>; APPROVED <03 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NEGOTIATIONS DRAFTING WITH THE JAPANESE--WATCH OUT FOR QUESTION MARKS
TAGS: ETRD, JA, GATT, OECD, UN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006